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Jeremy M. Kissel
Admitted in DC and Florida

May 4, 2009

Ms. Marlene Dortch
Secretary
Federal Communications Commission
445 12th Street, S.W.
Washington, D.C. 20554

Via ECFS

**Re: The Electric and Water Plant Board of the City of Frankfort, Kentucky
("Frankfort Plant Board"); Notice of Ex Parte Presentation; CS Docket No. 97-
80; CSR-8120-Z**

Dear Ms. Dortch:

Attached please find a copy of an April 21, 2009 letter sent by United States Senator Mitch McConnell (R-Kentucky) to the Federal Communications Commission urging full and fair consideration of Frankfort Plant Board's Petition for Waiver of 47 C.F.R. § 76.1204(a)(1) (CSR-8120-Z).

Please let me know if you have any questions.

Sincerely,

A handwritten signature in blue ink, appearing to read 'J. Kissel', with a stylized flourish at the end.

Jeremy M. Kissel

Enclosure

cc: Robert Ratcliffe (*via email: Robert.Ratcliffe@fcc.gov*)
Mary Beth Murphy (*via email: MaryBeth.Murphy@fcc.gov*)
Nancy Murphy (*via email: Nancy.Murphy@fcc.gov*)
Brendan Murray (*via email: Brendan.Murray@fcc.gov*)
John Higginbotham

MITCH McCONNELL
KENTUCKY

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WASHINGTON, DC 20510-1702
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United States Senate

REPUBLICAN LEADER
COMMITTEES:
AGRICULTURE
APPROPRIATIONS
RULES AND ADMINISTRATION

April 21, 2009

Mr. Kevin Washington
Director
Legislative & Intergovernmental Affairs
Federal Communications Commission
445 12th Street, SW
Washington, D.C. 20554

Dear Mr. Washington:

I write on behalf of my constituent, Mr. John Higginbotham, regarding the Frankfort Plant Board and its cable service to 17,100 Kentucky households.

As you will see from the enclosed correspondence, Mr. Higginbotham writes about the Frankfort Plant Board's request for a waiver before the Federal Communications Commission concerning the deployment of integrated digital set-top boxes and the digital transition. I hope you will give full and fair consideration to this request. Please direct any inquiries and all relevant information to Jenny Mueller in my Washington, D.C. office.

Thank you for your time and assistance. I will look forward to receiving your response.

Sincerely,



MITCH McCONNELL
UNITED STATES SENATOR

MM/jm

Enclosure

Warner J. Caines
General Manager



Frankfort Plant Board

Water
Cable
Electric
Security
Local Phone
Digital Cable
Long Distance
Community TV
Ethernet/Internet
Cable Modem/ISP
Cable Advertising

April 21, 2009

The Honorable Mitch McConnell
United States Senate
Washington, D.C. 20510

Dear Senator McConnell:

The Frankfort Plant Board (FPB), the municipal cable operator in Frankfort since 1952, is currently seeking a wavier from the Federal Communications Commission (Docket CSR-8120-Z) to deploy the Evolution Broadband, LLC's low-cost, limited-capability integrated digital set-top box. FPB seeks your support of its wavier request currently before the FCC. This wavier is important to FPB's 17,100 cable households so that advanced services can be developed and offered to the citizens of Frankfort in the coming years.

FPB seeks this wavier so that it can begin the transition to an all-digital platform within a year of the granting of the wavier. The migration to an all-digital system will allow FPB to introduce new programming services to its customers; facilitate the delivery of increased broadband capacity and Internet speeds that could potentially reach 100 Mbps; and assist in the continued development of competitive consumer and business telephone services in Frankfort.

The wavier is needed because cable companies like FPB are prohibited from placing into service new navigation devices (digital set-top boxes) that "perform both conditional access and other functions in a single integrated device." FPB submitted this request to the FCC on January 15, 2009 to grant the request to waive Section 76.1204(a) (1) of the Commission's 2005 *Deferral Order* and Sections 1.3 and 76.7 of the Commissions rules.

FPB believes this low-cost (approximately \$55 per unit) limited-capability solution is essential for customers to view digital programming on analog television sets both during and after the DTV transition. After full deployment, the device will allow FPB to reclaim bandwidth and offer broadband Internet services, additional high-definition programming and other advanced services.

If more information is needed, please do not hesitate to call me at 502.352.4470 or via email at jhigginbotham@fewpb.com

Sincerely,

John Higginbotham
Superintendent
Frankfort Plant Board Cable/Telecom

Equal Opportunity/Affirmative Action Employer

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